

Appl. No. 10/726,043
Amdt. Dated June 14, 2006
Reply to Office Action of March 15, 2006

REMARKS

Claim Rejections - 35 USC §103

Responsive to rejection of claims 1-2, 7, 9-10, 15 and 18-19 as being unpatentable over Mashino et al (USPN 5,886,759) in view of Fukuda et al (USPN 5,898,166), Applicant has amended claims 1, 9 and 18, and hereby respectfully traverses the rejection thereof.

Claim 1, as currently amended, recites in part:

A locating device configured for measuring distances between dots of a light guide plate,having a plurality of reference points marked thereon, the plurality of reference points being configured for locating of the dots during measuring.
(Emphasis added.)

Applicants submit that such a locating device configured for measuring distances between dots of a light guide plate as set forth in currently amended claim 1 is neither taught, disclosed, nor suggested by Mashino et al, Fukuda et al, or any of the other cited references, taken alone or in combination.

Mashino et al, as admitted by the Examiner, is silent to the requirement that "configured for measuring distances between dots of a light guide plate", as required in preamble of amended claim 1.

Applicant submits the preamble must be given full and fair consideration, as it is necessary to the understanding of the claimed invention (MPEP § 2111.02 and the related case law cited therein, especially

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Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999)). As such, Applicant submits that these characteristics must be given due consideration in determining the metes and bounds of claim 1 and those claims depending therefrom.

Further, Applicant submits that Mashino et al fails to disclose or suggest that **“reference points marked thereon being configured for locating of the dots during measuring”**, as further set forth in amended claim 1. In fact, in Mashino et al, the reflective sheet 38 with the section 1 in the form of colored dots printed on the reflective sheet at the end adjacent the light receiving edge face 65 of the light guide plate, as shown in FIG. 1, is provided for preventing light leakage (column 5, lines 7-15). As such, Mashino et al. clearly fails to teach or suggest the reference points of the locating device of the present claim 1, which are expressly configured for locating of dots of a light guide plate during measuring.

The Examiner then attempts to use Fukuda et al as a secondary reference to overcome the shortfalls of Mashino et al. However, Mashino et al and Fukuda et al are belong to different fields, and neither of the references give any teaching for one skilled in the art to combine Mashino et al with Fukuda et al to achieve the locating device of the present claim 1. Specifically, Fukuda et al. does not address a problem with which Mashino et al. is concerned, nor is it related to light guide plates and/or measurements associated therewith. (MPEP 2145.IX)

Further, Fukuda et al actually discloses an information reproduction system, which utilizes physical information on an optically readable code and which optically reads the code to reproduce multimedia information. In Fukuda et al., a dot code is made up of a plurality of blocks 40 arranged in

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a two dimensional matrix, each block having a specified number of data dots 42, as shown in Fig. 2 (column 4, lines 6-8). Each block 40 also includes markers 48 placed in specific positions (column 4, lines 13-15). The code position information is obtained by accurately computing the coordinates of the markers 48 and the data dots 42 are read using the computed coordinates as reference coordinates (column 4, lines 30-34).

That is, the markers 48 and the data dots 42 are arranged in a same sheet, and the marker 48 is used to accurately compute the code position in the same sheet. This is substantially different from the reference points of the locating device of the present claim 1, which are configured for locating of dots of a light guide plate during measuring. In the case of the present claim 1, the reference points are associated with the locating device, while the dots to be located are on the light guide plate. As such, Fukuda et al. fails to teach or suggest **“reference points marked thereon being configured for locating of the dots during measuring”**, as further set forth in amended claim 1 (Emphasis added.).

In summary, **the reflective sheet 38 with the section 1 printed thereon of Mashino et al** provide for the reflective light beams into the light guide plate and preventing light leakage. Therefore, Mashino et al does not disclose, nor is it otherwise suggestive of the reference points of the locating device of claim 1. Further, the combination of the reflective sheet 38 of Mashino et al. and the measurement instrument of Fukuda et al, is not suggestive of the locating device, as set forth in claim 1, that is a device configured for locating of the dots of a light guide plate during measuring. Thus, the combination of Fukuda et al in view of Mashino et al fails to teach or suggest each and every claimed element as set forth in claim 1.

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Therefore, there is nothing in the cited references that teaches or suggests to one of ordinary in the art that they might or should be combined to provide the locating device of amended claim 1. Accordingly, claim 1 is submitted to be patentable over Mashino et al in view of Fukuda et al. Reconsideration and withdrawal of the rejection and allowance of amended claim 1 are respectfully requested.

Claims 2 and 7 depend directly from independent claim 1 and, therefore, should also be allowable.

Independent claim 9, as currently amended, recites in part:

A method for using a locating device for measuring distances between dots of a light guide plate, comprising the steps of:

providing the locating device having a plurality of reference points marked thereon, the plurality of reference dots being configured for locating of the dots;

.....and

gauging distances between the dots using a measuring instrument. (Emphasis added.)

For similar reasons to those asserted above in relation to amended claim 1, it is submitted that any combination of Mashino with Fukuda does not disclose, teach, or suggest all the limitations of the method recited in claim 9.

Accordingly, amended claim 9 is submitted to be patentable over Mashino in view of Fukuda. Reconsideration and withdrawal of the rejection and allowance of amended claim 9 are respectfully requested.

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Claims 10 and 15 depend directly from independent claim 9, and therefore, should also be allowable.

Independent claim 18, as currently amended, recites in part:
In combination, ...

a locating device defining a plurality of reference points marked thereon,
**the plurality of reference points being configured for locating of
the dots** and positioned opposite to said surface; wherein
said measuring instrument gauges distance among the dots with
reference to the reference points. (Emphasis added.)

For similar reasons to those asserted above in relation to amended claim 1, it is submitted that any combination of Mashino et al. with Fukuda et al. does not disclose, teach or suggest all the limitations of the method recited in claim 18.

Accordingly, amended claim 18 is submitted to be patentable over Mashino et al. in view of Fukuda et al. Reconsideration and withdrawal of the rejection and allowance of amended claim 18 are respectfully requested.

Claim 19 depend directly from independent claim 18, and, therefore, should also be allowable.

Responsive to rejection of claims 3-5 and 11-13 as being unpatentable over Mashino et al in view of Fukuda et al as applied to claims 1 and 9-10 above, and further in view of Suga et al (USPN 6,425,673), Applicant respectfully traverses as follows.

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Claims 3-5 and 11-13 respectively depend directly or indirectly from claims 1 and 9, which are in condition for allowance for the reasons set forth above. Therefore, Applicant submits that claims 3-5 and 11-13 should also be allowable.

Responsive to rejection of claims 8 and 16 as being unpatentable over Mashino et al in view of Fukuda et al as applied to claims 1 and 9 above, and further in view of Ide et al (USPN 6,865,325), Applicant respectfully traverses as follows.

Claims 8 and 16 respectively depend directly from claims 1 and 9, which are in condition for allowance for the reasons set forth above. Therefore, Applicant submits that claims 8 and 16 should also be allowable.

Responsive to rejection of claim 17 as being unpatentable over Mashino et al in view of Fukuda et al as applied to claim 18 above, and further in view of Samworth et al (USPN 6,310,698), Applicant respectfully traverses as follows.

Claim 17 depends directly or indirectly from claim 9, which is in condition for allowance for the reasons set forth above. Therefore, Applicant submits that claim 17 should also be allowable.

Allowable Subject Matter

The Examiner has indicated that claims 6 and 14 set forth allowable subject matter, for which consideration the Examiner is respectfully thanked.

Conclusion


In view of the foregoing, the present application as claimed in the

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pending claims is considered to be in a condition for allowance, and an action to this effect is earnestly requested.

Respectfully submitted,

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